

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**JULIA DESOGUGUA, on behalf of herself
and others similarly situated,
Plaintiffs,**

v.

Civil Action No. 1:11CV188 (LO-JFA)

**WELLS FARGO BANK, N.A., d/b/a
WELLS FARGO HOME MORTGAGE,**

Defendants.

PLAINTIFF’S SUPPLEMENTAL RULE 26(f) CONFERENCE REPORT

Plaintiff Julia Desogugua, by counsel, (“Plaintiff”) supplements the Rule 26(f) Conference Report filed by Defendant Wells Fargo Bank, N.A., d/b/a Wells Fargo Home Mortgage (Docket No. 36) as follows:

The Parties first conferred in June regarding the matters governed by Fed. P. Civ. P. 26(f). Upon multiple follow up communications, and after a two-week period whereby Plaintiff’s counsel sought the agreement of Defendant to even attend a Rule 26(f) conference, a telephone conference was scheduled and attended on August 10, 2011. During the conference, the Parties disagreed as to what to report or whether Rule 26(f) had even been sufficiently satisfied to permit the initiation of discovery. At the conclusion of the conference, Plaintiff’s counsel forwarded a draft Rule 26(f) discovery plan, tracking almost verbatim the plans submitted in comparable Alexandria and Richmond Division cases. Wells Fargo rejected this attempt and then Plaintiff offered a second plan, which Wells Fargo again rejected.

On August 23, 2011, Defendant offered the draft Rule 26(f) Plan it has now filed as Exhibit “A” to the Wells Fargo Rule 26(f) Report. While there may be academic disagreements as to language and to a small extent process, Plaintiff accepts Wells Fargo’s discovery plan, but for two changes, both as reflected in the attached proposed Discovery Plan, in final form as Exhibit “1” and in redline as Exhibit “2”.

First, the Parties disagree as to whether all discovery in the case – written discovery as well as Initial Rule 26(a)(1) disclosures - should be stayed until resolution of the pending Rule 12(b)(6) motion set for hearing September 9, 2011. Plaintiff is contemporaneously serving her first set of written discovery requests. She has long ago served her Rule 26(a)(1) disclosures. Discovery should proceed immediately. As the case stands, Defendant has already obtained a tactical delay of several months.¹ Upon the Wells Fargo delays and the Plaintiff’s attempts to accommodate compromise, this report is now filed with just two weeks before the September 9, 2011 hearing date. Defendant loses nothing upon the initiation of discovery – its objections will not even be due until after September 9, 2011.

The second difference is the length of time that the Plaintiff would be permitted to accomplish Phase I (Class certification) discovery before the filing of her expected Motion for Class Certification. Wells Fargo suggests this period be limited to 60 days, a period long enough to accomplish only minimal discovery as regards the most contested part of the case. Plaintiff would instead suggest a Phase I period of 90 days.

¹ Wells Fargo originally selected a distant hearing date, and thereafter has now twice further extended the date.

Respectfully submitted,

JULIA DESOGUGUA

By its attorneys,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of August 2011, I filed the foregoing with the Clerk of Court using the CM/ECF system.

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